

Date signed January 13, 2012



Paulmann

**PAUL MANNES
U. S. BANKRUPTCY JUDGE**

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Greenbelt**

IN RE:
CHERVEL J. REAVIS

Debtor

CHERVEL J. REAVIS
Movant
vs.
BROOKMILL CONDOMINIUM
ASSOCIATION, INC.

Respondent

MEMORANDUM OF DECISION

This bankruptcy case under Chapter 13 is before the court on the Debtor's Motion to avoid three liens on the property known as 15708 Dorset Road, #203, Laurel, Maryland. In fact, the Respondent has four liens on the subject property, and this opinion will deal with all four. One of the liens at issue is a judgment lien and the other three are statutory liens filed pursuant MD. CODE ANN., *Real Prop.* § 14-201 *et seq.* (2010). Inasmuch as the holder of a claim secured by a senior lien on the property shows an outstanding debt of \$210,588.05, it is undisputed that there is no equity in the subject property. As noted in the case of *First Mariner Bank v. Johnson*, 411 B.R. 221, 224 (D. Md. 2009), where a creditor's residential lien is wholly unsecured, it may be modified in a bankruptcy case under Chapter 13. It makes no difference whether the lien is a statutory lien that would be unavoidable under § 522(f) of the Bankruptcy Code inasmuch as this

action is filed under § 506(a) of the Code.

In its response to the Motion to avoid the liens, Brookmill Condominium Association, Inc., urges that this bankruptcy case under Chapter 13 was filed in bad faith and Debtor's Plan should not be confirmed. It also asserts that Debtor is not devoting all her disposable income to the Plan. This may well be the case, but this objection must be posited in the form of an objection to confirmation of the Plan. The confirmation hearing is set for January 17, 2012, and if the bad faith objection is being pursued, the court will consider that at that time.

An appropriate order will be entered.

cc:

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Brookmill Condominium Association, Inc.

(1) c/o Arthur g. Kaplan, Esq., 11 E. Mount Royal Avenue, Baltimore, MD 21202

(2) c/o The Simmons Management Group, Resident Agent,

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End of Memorandum